

Agenda

Council



Date:

Monday, 30 March 2015 at 7.00pm

Venue:

Lowther Pavilion, West Beach, Lytham, FY8 5QQ

Procedural Items

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1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meeting, held on 3 March 2015, as a correct record, as attached.	3 - 13

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Representations

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www.fylde.gov.uk/council-and-democracy/constitution

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Minutes Council

Date:	Tuesday, 03 March 2015
Venue:	St Margaret of Antioch Church, St Annes
Members:	<p>Mayor (Councillor Kevin Eastham) Deputy Mayor (Councillor Karen Henshaw)</p> <p>Councillors Brenda Ackers, Ben Aiken, Christine Akeroyd, Frank Andrews, Tim Armit, Susan Ashton, Timothy Ashton, Keith Beckett ISO, Julie Brickles, Karen Buckley, David Chedd, Maxine Chew, Alan Clayton, Peter Collins, Fabian Craig-Wilson, Susan Cunningham, John Davies, Leonard Davies, David Donaldson, Charlie Duffy, David Eaves, Sue Fazackerley, Dr Trevor Fiddler, Tony Ford JP, Nigel Goodrich, Paul Hayhurst, Howard Henshaw, Ken Hopwood, Angela Jacques, Cheryl Little, Barbara Nash, Edward Nash, Linda Nulty, Elizabeth Oades, Albert Pounder, Dawn Prestwich, Richard Redcliffe, Louis Rigby, Elaine Silverwood, John Singleton JP, Heather Speak, Thomas Threlfall, Vivienne Willder</p>
Officers:	Allan Oldfield, Tracy Morrison, Paul Walker, Paul O’Donoghue, Paul Swindells, David Bennett, David Oxley, Ross McKelvie, Sharon Wadsworth and Katharine McDonnell.
Other attendees:	Reverend Adrian Burdon and approximately 7 members of the public

Prayers

Prayers were offered by Reverend Adrian Burdon, acting for the Mayor’s Chaplin.

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council’s Code of Conduct for Members.

Councillor Fazackerley declared a personal and prejudicial interest, the nature of the interest being that she was the Council’s appointee to the Lowther Trust.

Councillor Fiddler declared a personal and prejudicial interest, the nature of the interest being that he was a member of Freckleton Parish Council.

Councillor Louis Rigby declared a personal and prejudicial interest, the nature of the interest being that he was a member of Freckleton Parish Council.

Councillor Thomas Threlfall declared a personal and prejudicial interest, the nature of the interest being that he was a member of Freckleton Parish Council.

2. Budget Procedure Rules

The Mayor reminded members of the procedure rules for budget council meetings and asked them to note the rules reproduced in full within the agenda papers.

3. Confirmation of minutes

RESOLVED: To approve the minutes of the Council meeting, held on 26 January 2015, as a correct record for signature by the Mayor.

4. Mayor's Announcements

The Mayor spoke about the improvements to the Council's Art Collection under the stewardship of the Friends of the Art Collection, who had been successful in sourcing grants and support from the County's museum service.

He spoke about recently attending St Michael's Church, Kirkham, where the Reverend Richard Lundy had recently been made Area Dean.

On a personal level The Mayor spoke about the safe arrival of his new granddaughter on Thursday 26 February 2015.

He concluded by reminding members that the Mayoral Ball was to be held on 27 March 2015, at the Grand Hotel in St Annes.

5. Chief Executive's Communications

The Chief Executive spoke about Town Hall Keeper, Bernard Judge, a friend and colleague of many, who was seriously ill. A card was circulated to allow members to send messages of best wishes to him.

6. Questions from Members of the Council

There were no questions from members of the Council on this occasion.

7. Questions from Members of the Public

There were no questions from members of the public.

8. Medium Term Financial Strategy Update, Including General Fund, Capital Programme and Treasury Management for 2015/2016 to 2017/2018

The Mayor advised members that the budget would be dealt with in three parts, the main budget, and separately two exceptional capital schemes, at Appendix F in the report, to allow members with interests to participate fully in the discussion of the main budget.

Councillor Susan Fazackerley introduced the 2015/16 Budget. She expressed her thanks to members and officers in their approach to dealing with cuts to the Council's funding, which had enabled the continued delivery of high quality services with a diminishing resource, and had placed the Council in a robust financial position.

Councillor Karen Buckley, Portfolio Holder for Finance and Resources, presented the budget for 2015/16. She advised members that the budget provided a freeze on Council Tax, a freeze on special expenses, a contribution to general reserves, a contribution to the capital investment reserve which would allow the delivery of capital schemes across the borough whilst assisting in keeping the Council's borrowing low and a living wage for Fylde Council employees.

Councillor Buckley highlighted the key areas of the report, specifically highlighting the level of the General Fund Reserves of £5.1m, she stated that this level of reserves should be viewed in context of the Council's risk register and medium term plans.

Councillor Buckley referred to the major funding streams, including the support grant which had reduced 28% year on year and had to be viewed as a high level financial risk to the Council, alongside the ending of the waste recycling cost sharing arrangements with Lancashire County Council.

Councillor Buckley also drew members' attention to the current and projected borrowing position. She referred members to the Council's capital financing requirements and the actual borrowing levels, which she reported were currently £2.3m and projected to be reduced to £1m in 2017 and further reduced to zero by 2020. She also took members through the proposed capital schemes, detailed at Appendix F, with the exception of the Exceptional Capital Schemes, which would be considered later in the agenda.

Finally Councillor Buckley advised members that the budget had been consulted on widely and drew members' attention to the responses arising from that consultation. Councillor Buckley then provided members with a detailed reply to each of those consultation responses.

Councillor Buckley concluded her presentation by thanking the Section 151 Officer and the finance team for their work. She drew members' attention to the Section 151 Officer's opinion that the recommendations provided the Council with a robust financial position for the life of the forecast.

The proposal was moved by Councillor Buckley and seconded by Councillor Fazackerley.

Following a full debate on the budget, Councillor Oades, having indicated earlier, proposed an amendment which was seconded by Councillor Nulty which supported the recommendations regarding the budget but added an additional proposal:

"That during the course of the next financial year, a wide consultation takes place with our residents to explain how the cuts have impacted on our budgets, the implications on future budgets, and ask them to consider whether, if it's necessary, they would prefer to see cuts to services and increases in charges or alternatively whether they favour modest increases to the Council Tax."

Following a debate and a recorded vote, the amendment was lost.

Votes for the amendment (16): Councillors Beckett, Brickles, Chedd, Chew, Clayton, Collins, J Davies, Duffy, H Henshaw, K Henshaw, Hopwood, Nulty, Oades, Rigby, Silverwood and Speak.

Votes against the amendment (28): Councillors Ackers, Aitken, Akeroyd, Andrews, Armit, S Ashton, T Ashton, Buckley, Craig-Wilson, Cunningham, L Davies, Donaldson, Eaves, Fazackerley, Dr Fiddler, Ford, Goodrich, Hayhurst, Jacques, Little, B Nash, E Nash, Pounder, Prestwich, Redcliffe, Singleton, Threlfall and Willder

Abstentions (1) Councillor Eastham

As the amendment was lost, a vote was then taken on the substantive motion and in line with Government guidance a recorded vote was held,

Votes for the proposal (45) – Councillors Ackers, Aiken, Akeroyd, Andrews, Armit, S Ashton, T Ashton, Beckett, Brickles, Buckley, Chedd, Chew, Clayton, Collins, Craig-Wilson, Cunningham, J Davies, L Davies, Donaldson, Duffy, Eastham, Eaves, Fazackerley, Fiddler, Ford, Goodrich, Hayhurst, H Henshaw, K Henshaw, Hopwood, Jacques, Little, B Nash, E Nash, Nulty, Oades, Pounder, Prestwich, Redcliffe, Rigby, Silverwood, Singleton, Speak, Threlfall and Willder

Votes against the proposal (0)

Abstentions (0)

The proposal was carried and it was therefore RESOLVED:

1. The Council approve and adopt, with the exception of matters relating to exceptional capital schemes in relation to the Freckleton Memorial Park and Lowther Gardens roof replacement:
 - (a) The revised estimates for 2014/15 and the revenue budget for 2015/16 as set out in Appendix E, which includes the transfers to the Capital Investment Reserve in the total sum of £911k and the increase in the balance of the General Fund Reserve in the sum of £255k;
 - (b) The budget proposals and changes to Reserves and Balances as set out in Appendix F;
 - (c) The updated Five Year Capital Programme including the changes proposed by Cabinet, as set out in Appendix G;
 - (d) The updated Reserves & Balances Policy as detailed in Appendix H;
 - (e) An average Band D Council Tax of £185.79 for 2015/16 (excluding Town and Parish precepts), which is a 0.06% reduction from the 2014/15 average Band D charge;
 - (f) The Special Expenses policy as set out in Appendix I; which includes that:
 - for the purposes of charging special expenses, both the special expense costs and the tax bases relating to the areas of Lytham and St Annes will each be aggregated and the Council Tax charge per property at each band level will be the same across the whole area; and
 - the annual special expense charge per property will be set for 2015/16 at the same level as for 2014/15, that being £67.94 per band D property; and
 - the annual borough wide charge per property will be set for 2015/16 at the same level as for 2014/15, that being £144.82 per band D property; and
 - the budget resource to be allocated to delivering concurrent services and chargeable as special expenses for 2015/16 will be set at a sum equivalent to the annual special expense charge per property (band D equivalent) multiplied by the tax base for the special expense area;
 - (g) The schedule of fees and charges for 2015/16 as detailed in Appendix J;

Treasury Management

- (h) The Treasury Management Policy set out in Appendix K;
- (i) The Treasury Management Strategy set out in Appendix L, which incorporates the Minimum Revenue Provision Statement, the Council's Borrowing Strategy, Investment Strategy, and Treasury Prudential Indicators and Limits;

Council Tax

(j) The Council approve the Council Tax Resolution as follows:

2. It be noted that the Section 151 Officer, under delegated authority, had on 18th December 2014 calculated:

- (a) the Council Tax Base 2015/16 for the whole Council area as 28,275 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
- (b) a Council Tax Base, for dwellings in those parts of its area to which a Parish/Neighbourhood precept relates, as indicated below:

All Areas	28,275
Unparished Areas - Lytham	7,520
Bryning-with-Warton	1,186
Elswick	418
Freckleton	1,928
Greenhalgh-with-Thistleton	190
Kirkham	2,096
Little Eccleston-with-Larbreck	200
Medlar-with-Wesham	1,196
Newton-with-Clifton	981
Ribby-with Wrea	758
Singleton	416
Staining	801
St. Annes	9,529
Treales, Roseacre & Wharles	216
Weeton-with-Preese	279
Westby-with-Plumpton	561

3. That the Council Tax requirement for the Council's own purposes for 2015/16 (excluding Parish precepts) is £5,253,212.

4. That the following amounts be calculated for the year 2015/16 in accordance with Sections 31 to 36 of the Act:-

- a. £47,051,977** Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- b. £40,988,185** Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c. £6,063,792** Being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.

(Item R in the formula in Section 31A(4) of the Act).

- d. **£ 214.46** Being the amount at 4(c) above (Item R) all divided by Item T (Para 2(a) above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e. **£1,968,889** Being the aggregate amount of all special items (Special Expenses and Parish precepts) referred to in Section 34(1) of the Act and as shown below:

	Parish Amount £	Special Expenses £
Bryning-with-Warton	87,747	
Elswick	24,998	
Freckleton	99,600	
Greenhalgh-with-Thistleton	5,000	
Kirkham	169,216	
Little Eccleston-with-Larbreck	7,365	
Medlar-with-Wesham	55,511	
Newton-with-Clifton	49,619	
Ribby-with Wrea	47,326	
Singleton	17,465	
Staining	58,460	
St.Annes	155,799	647,400
Treales, Roseacre & Wharles	10,081	
Weeton-with-Preese	14,393	
Westby-with-Plumptions	8,000	
Unparished Areas - Lytham		510,909
Total	810,580	1,158,309

- f. **£144.82** Being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by the amount at Item T (Para 2(a) above) calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate.

- g. Part of the Council's area:

	£
Bryning-with-Warton	218.81
Elswick	204.62
Freckleton	196.48
Greenhalgh-with-Thistleton	171.14
Kirkham	225.55
Little Eccleston-with-Larbreck	181.65
Medlar-with-Wesham	191.23
Newton-with-Clifton	195.40
Ribby-with-Wrea	207.26
Singleton	186.80
Staining	217.80
St.Annes	229.11
Treales, Roseacre & Wharles	191.49
Weeton-with-Preese	196.41
Westby-with-Plumpton	159.08
Unparished Areas - Lytham	212.76

Being the amounts given by adding to the amount of 4(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area 4(e) above divided in each case by the amount at 2(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;

h.

The amounts set out in the table below being the amounts given by multiplying the amounts at 4(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Council Tax for Each Part of the Council's area (Fylde Borough Council and Special Items only):

Valuation Bands

	A £	B £	C £	D £	E £	F £	G £	H £
Bryning-with-Warton	145.87	170.19	194.50	218.81	267.43	316.06	364.68	437.62
Elswick	136.41	159.15	181.88	204.62	250.09	295.56	341.03	409.24
Freckleton	130.99	152.82	174.65	196.48	240.14	283.80	327.47	392.96
Greenhalgh-with-Thistleton	114.09	133.11	152.12	171.14	209.17	247.20	285.23	342.28
Kirkham	150.37	175.43	200.49	225.55	275.67	325.79	375.92	451.10
Little Eccleston-with-Larbreck	121.10	141.28	161.47	181.65	222.02	262.38	302.75	363.30
Medlar-with-Wesham	127.49	148.73	169.98	191.23	233.73	276.22	318.72	382.46
Newton-with-Clifton	130.27	151.98	173.69	195.40	238.82	282.24	325.67	390.80
Ribby-with Wrea	138.17	161.20	184.23	207.26	253.32	299.38	345.43	414.52
Singleton	124.53	145.29	166.04	186.80	228.31	269.82	311.33	373.60
Staining	145.20	169.40	193.60	217.80	266.20	314.60	363.00	435.60
St Annes including special expenses	152.74	178.20	203.65	229.11	280.02	330.94	381.85	458.22
Treales, Roseacre & Wharles	127.66	148.94	170.21	191.49	234.04	276.60	319.15	382.98
Weeton-with-Preese	130.94	152.76	174.59	196.41	240.06	283.70	327.35	392.82
Westby-with-Plumpton	106.05	123.73	141.40	159.08	194.43	229.78	265.13	318.16
Lytham	141.84	165.48	189.12	212.76	260.04	307.32	354.60	425.52

4.1 To note that the County Council, the Police and Crime Commissioner for Lancashire and Lancashire Combined Fire Authority have issued precepts for 2015/16 to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the tables below.

Lancashire County Council

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
753.19	878.72	1,004.25	1,129.78	1,380.84	1,631.90	1,882.97	2,259.56

Police and Crime Commissioner for Lancashire

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
106.04	123.71	141.39	159.06	194.41	229.75	265.10	318.12

Lancashire Combined Fire Authority

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
43.24	50.45	57.65	64.86	79.27	93.69	108.10	129.72

5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2015/16 for each part of its area and for each of the categories of dwellings.

Total Council Tax for the each part of the Council's Area:

Council Tax Schedule	Valuation Bands							
	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Fylde Borough Council	96.55	112.64	128.73	144.82	177.00	209.18	241.37	289.64
Lancashire County Council	753.19	878.72	1,004.25	1,129.78	1,380.84	1,631.90	1,882.97	2,259.56
Lancashire Police & Crime Commissioner	106.04	123.71	141.39	159.06	194.41	229.75	265.10	318.12
Lancashire Combined Fire Authority	43.24	50.45	57.65	64.86	79.27	93.69	108.10	129.72
Sub - Total	999.02	1,165.52	1,332.02	1,498.52	1,831.52	2,164.52	2,497.54	2,997.04
Parish/Town Councils & Special Expenses								
Bryning-with-Warton	1,048.34	1,223.07	1,397.79	1,572.51	1,921.95	2,271.40	2,620.85	3,145.02
Elswick	1,038.88	1,212.03	1,385.17	1,558.32	1,904.61	2,250.90	2,597.20	3,116.64
Freckleton	1,033.46	1,205.70	1,377.94	1,550.18	1,894.66	2,239.14	2,583.64	3,100.36
Greenhalgh-with-Thistleton	1,016.56	1,185.99	1,355.41	1,524.84	1,863.69	2,202.54	2,541.40	3,049.68
Kirkham	1,052.84	1,228.31	1,403.78	1,579.25	1,930.19	2,281.13	2,632.09	3,158.50
Little Eccleston-with-Larbreck	1,023.57	1,194.16	1,364.76	1,535.35	1,876.54	2,217.72	2,558.92	3,070.70
Medlar-with-Wesham	1,029.96	1,201.61	1,373.27	1,544.93	1,888.25	2,231.56	2,574.89	3,089.86
Newton-with-Clifton	1,032.74	1,204.86	1,376.98	1,549.10	1,893.34	2,237.58	2,581.84	3,098.20
Ribby-with Wrea	1,040.64	1,214.08	1,387.52	1,560.96	1,907.84	2,254.72	2,601.60	3,121.92
Singleton	1,027.00	1,198.17	1,369.33	1,540.50	1,882.83	2,225.16	2,567.50	3,081.00
Staining	1,047.67	1,222.28	1,396.89	1,571.50	1,920.72	2,269.94	2,619.17	3,143.00
St Annes including special expenses	1,055.21	1,231.08	1,406.94	1,582.81	1,934.54	2,286.28	2,638.02	3,165.62
Treales, Roseacre & Wharles	1,030.13	1,201.82	1,373.50	1,545.19	1,888.56	2,231.94	2,575.32	3,090.38
Weeton-with-Preese	1,033.41	1,205.64	1,377.88	1,550.11	1,894.58	2,239.04	2,583.52	3,100.22
Westby-with-Plumpton	1,008.52	1,176.61	1,344.69	1,512.78	1,848.95	2,185.12	2,521.30	3,025.56
Lytham	1,044.31	1,218.36	1,392.41	1,566.46	1,914.56	2,262.66	2,610.77	3,132.92

6. In accordance with Section 52ZB (and associated relevant provisions) of the Local Government Finance Act 1992 the Council determines that the basic amount of Council Tax for the financial year 2015/16 is not excessive.

As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2015/16 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

(Councillors Brickles and Craig-Wilson left the meeting on the conclusion of this item)

8a. Exceptional Capital Scheme – Freckleton Memorial Park

Councillors Fiddler, Rigby and Threlfall left the room, having declared a personal and prejudicial interest at the beginning of the meeting.

Councillor Buckley presented the exceptional capital scheme for Freckleton Memorial Park. The proposal was to make a one off contribution, to be funded from the Capital Investment Reserve, towards the memorial park regeneration project which was launched at the commemoration of the 70th anniversary of the Freckleton Air Disaster.

During the course of a full debate, a number of questions were raised regarding alternative streams of funding and resources available to Freckleton Parish Council and the following amendment was proposed by Councillor Oades, and seconded by Councillor Hayhurst:

“That the item be deferred subject to further investigation and clarification of grant funding”

Following a brief adjournment, a revision to the amendment was proposed by Councillor Buckley. The revised amendment read as follows;

“That the capital remains in the budget until the questions raised are explored and a report is brought forward to the next meeting of the full Council to make a decision as to whether the money is released.”

Councillor Oades outlined that she was content with the alternative proposal tabled by Councillor Buckley.

Councillor Eaves seconded Councillor Buckley’s amendment.

A recorded vote was then taken;

Votes for the proposal (39) – Councillors Ackers, Aiken, Akeroyd, Andrews, Armit, S Ashton, T Ashton, Beckett, Buckley, Chedd, Chew, Clayton, Collins, Cunningham, J Davies, L Davies, Donaldson, Eastham, Eaves, Fazackerley, Ford, Goodrich, Hayhurst, H Henshaw, K Henshaw, Hopwood, Jacques, Little, B Nash, E Nash, Nulty, Oades, Pounder, Prestwich, Redcliffe, Silverwood, Singleton, Speak, and Willder

Votes against the proposal (0)

Abstentions (1) Duffy

A further vote on the substantive motion was then recorded;

Votes for the proposal (40) – Councillors Ackers, Aiken, Akeroyd, Andrews, Armit, S Ashton, T Ashton, Beckett, Buckley, Chedd, Chew, Clayton, Collins, Cunningham, J Davies, L Davies, Donaldson, Duffy, Eastham, Eaves, Fazackerley, Ford, Goodrich, Hayhurst, H Henshaw, K Henshaw, Hopwood, Jacques, Little, B Nash, E Nash, Nulty, Oades, Pounder, Prestwich, Redcliffe, Silverwood, Singleton, Speak, and Willder

Votes against the proposal (0)

Abstentions (0)

It was therefore RESOLVED that the capital remains in the budget until the questions raised are explored and a report is brought forward to the next meeting of the full Council to make a decision as to whether the money is released.

Councillors Fiddler, Rigby and Threlfall returned to the meeting.

(Councillor H Henshaw left the meeting on the conclusion of this item).

8b. Exceptional Capital Scheme – Lowther Pavilion Roof

Councillor Fazackerley left the room, having declared a personal and prejudicial interest at the beginning for the meeting.

Councillor Buckley presented the exceptional scheme for Lowther Pavilion Roof. The proposal was for a scheme to repair and insulate the roof of the building, to be funded from the Capital Investment Reserve. Lowther Trust would contribute £50k towards the overall costs over a ten year period.

Councillor Buckley advised that a request for funding to repair the roof had been with the Council since transfer of the asset to the Trust, and that the repair was much needed. When the responsibility for the Pavilion was transferred from the Council to the Trust, an undertaking had been made as part of the transfer arrangements to consider applications from the Trust for capital funding to maintain the building. The Council was now in a position to make provision for such a scheme in the capital programme.

Following the debate, a recorded vote was conducted.

Votes for the amendment (30): *Councillors Ackers, Aitken, Akeroyd, Andrews, Armit, S Ashton, T Ashton, Buckley, Chedd, Cunningham, L Davies, Donaldson, Duffy, Eastham, Eaves, Fiddler, Ford, Goodrich, Hopwood, Jacques, Little, B Nash, E Nash, Pounder, Prestwich, Redcliffe, Singleton, Speak, Threlfall and Willder*

Votes against the amendment (2): *Councillors Collins and Silverwood*

Abstentions (9) *Councillors Beckett, Chew, Clayton, J Davies, Hayhurst, K Henshaw, Nulty, Oades and Rigby*

The proposal was carried and it was therefore RESOLVED to approve funding for the replacement and insulation of Lowther Pavilion roof, to be released in staged payments of £8k in 2015/16 and a further £115k in 2016/17. In making the decision the Council noted that the Lowther Trust would make a contribution of £50k to the scheme to be paid to the Council over a 10 year period.

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REPORT OF	MEETING	DATE	ITEM
RESOURCES DIRECTORATE	COUNCIL	30 MARCH 2015	6

QUESTIONS FROM MEMBERS OF THE PUBLIC

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

No questions for Council have been received from the public before the deadline for publication of the agenda.

Any further questions received before the deadline for questions, as outlined in Standing Order 9 in Part 4 of the Council's Constitution, will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be read out during the Council meeting on 30 March by the Chief Executive. A response will be given by the relevant Cabinet Member.

REPORT

REPORT OF	MEETING	DATE	ITEM
RESOURCES DIRECTORATE	COUNCIL	30 MARCH 2015	7

NOTICE OF MOTION – CREMATORIUM

Public Item

This item is for consideration in the public part of the meeting.

Summary

The council is requested to consider the Notice of Motion received on 23 February 2015

Recommendation

To consider the Notice of Motion.

The Motion

1. The following notice of motion has been received:

“The Notice of Motion is that the Council look in to Crematorium re-Extension to the Chapel and Car Parking as for it to be put in to the next capital program” .

The notice of motion has been duly proposed by Councillor Keith Beckett.

Standing Orders

2. An extract from the Council Procedure Rules on Notices of Motion include the following (summarised) provisions:

At the Council Meeting

A motion under this rule must be formally moved and seconded at the council meeting. It will then automatically stand referred for discussion at Council for immediate consideration under the normal rules of debate.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	There are no direct legal implications arising from this report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental Impact	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health & safety and/or risk management implications arising from this report.

LEAD AUTHOR	TEL	DATE	DOC ID
Sharon Wadsworth	(01253) 658546	3 March 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Email from Councillor Keith Beckett	23 February 2015	Town Hall, Lytham St Annes and www.fylde.gov.uk

REPORT



REPORT OF	MEETING	DATE	ITEM
RESOURCES DIRECTORATE	COUNCIL	30 MARCH 2015	8

GOVERNANCE ARRANGEMENTS

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Following the referendum in May 2014, which resulted in a vote for a return to a committee system, the Council is required to implement the proposals agreed at the Full Council meeting in February 2014 for operating a committee based system of governance. The new system will operate from the annual council meeting on 20 May 2015.

On 1 December 2014, the council considered the recommendations of the cross party Governance Working Group about the constitutional and governance arrangements that would be needed to support a committee system at Fylde. The council mandated the Director of Resources to produce an amended version of the council's constitution incorporating the changes agreed by the council and other necessary or appropriate changes, and to bring a report to this meeting requesting that the new constitution be adopted.

The amended version of the constitution is available at <http://www.fylde.gov.uk/meetings/details/1202> and members are invited to adopt it as set out in the recommendation below.

RECOMMENDATION

1. Adopt the amended constitution at <http://www.fylde.gov.uk/meetings/details/1202> as the council's new constitution with effect from the 2015 annual meeting of the council.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Finance and Resources - Councillor Karen Buckley

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

On 24 February 2014 the Council agreed the key principles for the operation of a committee system in the event of the referendum voting in favour of a governance change.

On 28 July 2014 the Council established a cross-party group of members to consider the constitutional and governance issues necessary for the change to a committee system or which could conveniently be considered alongside it.

On 1 December 2014, the council agreed the recommendations of the cross-party working group and requested the Director of Resources to bring a report to this meeting proposing an amended constitution for adoption with effect from the 2015 annual meeting.

REPORT

BACKGROUND

1. On 29 October 2013, the Council received a valid petition under the Local Authorities (Referendums) (Petitions) (England) Regulations 2011. The petition sought to change the form of governance of the authority from executive arrangements consisting of a leader and cabinet executive (England) to a committee system.
2. In February 2014, as required by the Local Authorities (Conduct of Referendums) (England) Regulations 2012, the Council resolved to adopt proposals for the operation of a committee system in the event of the referendum delivering a vote favour of it.
3. The referendum took place on 22 May 2014, with 57.8 % of votes in favour of changing to a committee system. The Council is required to operate the committee system from its 2015 annual meeting in accordance with the proposals adopted in February 2014.

GOVERNANCE WORKING GROUP

4. The change to the council's system of governance required a root and branch review of the Council's constitution. At its meeting on 28 July 2014, Council appointed a cross-party Working Group to consider possible constitutional and governance changes and report to Full Council with recommendations. The working group met on six occasions between August and November 2014 to consider in detail a range of constitutional and governance matters informed by responses to consultation from key stakeholders, including the organisers of the petition.
5. The recommendations¹ of the working group were considered and accepted at the council meeting held on 1 December 2014. The council mandated the Director of Resources to produce an amended version of the constitution, incorporating the changes agreed by the council and bring a report to this meeting with a view to the amended constitution being adopted with effect from the 2015 annual meeting of the council².
6. The working group met again in January 2015, when it carried out a page-by-page review of the amended constitution.

THE NEW CONSTITUTION

7. The amended constitution has been produced and can be accessed at <http://www.fylde.gov.uk/meetings/details/1202>. It incorporates the matters agreed by the council, following its consideration of the recommendations of the working group. These include terms of reference for the programme committees, the role of the Leader of the Council

¹ The working group had been unable to reach a consensus on one issue, relating to substitute members. The council discussed the two alternative proposals put forward by the working group on that issue and resolved to accept one of them.

² The committee system will legally take effect "at a time during" the 2015 annual meeting.

protocols and procedures for budget setting and monitoring, rules for referral and recovery, dealing with urgent business and rules on the use of substitute members.

8. The constitution also includes numerous technical or administrative changes which are made necessary by the change to a committee system. All of the changes³, except for those relating to the code of conduct for members, have been considered by the Governance Working Group at its final meeting in January 2015, when it undertook an exhaustive page by page review of the amended constitution.
9. The Standards Committee review began with a joint workshop consisting of six councillors (three each from Fylde and Blackpool Councils) together with the three independent persons, and officers. The workshop proposed amendments to the Code and a revised Code was subsequently presented to members together with the Independent Persons. Standards Committee endorsed the revised code at its meeting on 10 March 2015 and recommended that it be considered by the council as part of the amended constitution.
10. The Revised Code addresses the following key issues which emerged in the joint workshop:
 - *That the fabric of the intent of the current code should be kept, i.e. to include a part on personal and prejudicial interests, and other general matters, in addition to the statutory disclosable pecuniary interest aspects and the Code should not be diluted*
 - *That the layout should be simplified and the language be in clearer English where possible*
 - *That personal interests relating to the declaration of gifts and hospitality should be removed as a declaration of interest requirement at meetings (although there would still be a requirement for members to register the receipt of gifts and hospitality). It was felt unreasonable to expect members to have recall regarding what gifts and hospitality were offered up to three years after the event*
 - *That Fylde's Code should permit any members who are double or triple hatted to participate in wider debates about Borough matters and the current restrictions should be removed*
 - *That in Fylde's Code any reference to Executive members should be removed*

IMPLICATIONS	
Finance	None arising from this report
Legal	The referendum result obliged the council to implement a committee system in accordance with the proposals that it adopted at the meeting of 24 February 2014. The committee system will come into effect during the annual meeting in May 2015
Community Safety	The Environment, Health and Housing Committee would be designated as the Council's Crime and Disorder Committee for the purposes of section 17 of the Crime and Policing Act 2006.
Human Rights and Equalities	No implications
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	No implications

³ The power delegated to the Chief Executive and the Director of Resources to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Chairman of the Environment, Health and Housing Committee, was intended to exclude power relating to public spaces protection orders. The constitution examined by the working group inadvertently omitted this exclusion. However, this has been rectified in the constitution now being considered by members. See delegations 1.24 at page 3/16 and 5.8 at page 3/24.

LEAD AUTHOR	TEL	DATE	DOC ID
Ian Curtis	01253 658506	10 March 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Amended constitution	January – March 2015	http://www.fylde.gov.uk/meetings/details/1202 and Town Hall, Lytham St Annes

REPORT



REPORT OF	MEETING	DATE	ITEM
DEVELOPMENT SERVICES	COUNCIL	30 MARCH 2015	9

COMMUNITY INFRASTRUCTURE LEVY (CIL); THE PREPARATION OF A DRAFT CHARGING SCHEDULE AND A REGULATION 123 (INFRASTRUCTURE) LIST

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

To inform the Council of the Community Infrastructure Levy (CIL), the preparation of a Charging Schedule and the drafting of a Regulation 123 (Infrastructure) List for Fylde.

RECOMMENDATIONS

1. That Council approves the preparation and progression of a Community Infrastructure Levy (CIL) through the prescribed consultation stages to adoption.
2. That Council approves the preparation of a Charging Schedule, which will set out the charging rates. The proposed charging rates will be subject to an independent examination, by an examiner from the Planning Inspectorate.
3. That Council approves the drafting of a Regulation 123 list of all of the infrastructure types and projects that it is intended will be or may be, wholly or partly funded by CIL.
4. That a further report is prepared and presented to members once the above recommendations are achieved to approve the final proposals.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Planning and Development

Councillor Dr Trevor Fiddler

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

There have been no previous decisions on this item. This report on CIL was presented to the Cabinet on 11th February 2015.

REPORT

COMMUNITY INFRASTRUCTURE LEVY

1. The Community Infrastructure Levy (CIL) is a new charge on some forms of built development; it allows the Charging Authority (i.e. Fylde Council) to levy a charge on owners or developers carrying out built development so that they contribute to the costs of providing the infrastructure needed to support development of the area. It will fund infrastructure projects such as transport, education, leisure and health which will need to be set out in a list known as a Regulation 123 list.
2. The levy will be charged at a rate of pounds per square metre, based on the net additional internal floor-space of any given development for uses identified in a charging schedule.
3. Although CIL will replace Section 106 (S106) in terms of 'off site matters' associated with new built developments, S106 will still apply particularly in relation to larger schemes to mitigate the impacts of that specific development subject to the following tests:
 - a) Necessary to make the development acceptable
 - b) Directly related to the development
 - c) Fairly and reasonably related in scale and kind to the development

Section 106 will continue to apply to the securing of Affordable Housing.

4. In order to progress the CIL rates to adoption the Council will be required to follow a prescribed process. Two stages of consultation will need to take place, commencing with consultation on a Preliminary Draft Charging Schedule; followed by a further consultation in respect of the Draft Charging Schedule. The schedule will then need to be submitted to the Planning Inspectorate for an independent examination of the proposed charging rates. The examiner will make recommendations to modify the charging schedule, which the Council will be bound to act upon to allow adoption of the charging rates. It is a requirement, as set out in DCLG Guidance issued in April 2013, that the decision to adopt the charging schedule is made by the full council of the Charging Authority (i.e. Fylde Council).
5. By way of example, the charging rates that have been introduced by the Central Lancashire Authorities (comprising Preston City Council, South Ribble Borough Council and Chorley Council), following an independent examination and modifications recommended by the examiner are set out in the following box. The Charging Schedule was adopted by the Central Lancashire Authorities, with charging commencing from 1st September 2013.

Central Lancashire Authorities Adopted Charging Schedule	
Development	CIL Charge
Dwelling houses (excluding apartments)	£65 per sq. m
Apartments	£0 per sq. m
Convenience retail (excluding neighbourhood convenience stores)	£160 per sq. m
Retail warehouse, retail parks and neighbourhood convenience stores	£40 per sq. m
Community uses	£0 per sq. m
All other uses	£0 per sq. m

6. The adoption of the Charging Schedule by Fylde Council would essentially just be the beginning of the process as the governance arrangements, in terms of collecting and spending CIL would have to be put in place along with such matters as an 'instalments policy'. This is particularly relevant given the introduction of legislation on 25th April 2013 by the Government, which requires 25% of CIL generated in their area to be given over to Parish and Town Councils where a neighbourhood plan is in place and 15% where a plan is not in existence. The CIL guidance recommends a review of the rates.

SECTION 106 PLANNING OBLIGATIONS ALONGSIDE A CIL REGIME

7. The use of Section 106 Planning Obligations alongside a CIL regime, which will become the primary mechanism for securing infrastructure contributions following its adoption are set out below.
8. Two of the regulations within the Community Infrastructure Levy Regulations, 2010 are of significant relevance:
- I. Regulation 122 sets out three statutory tests which all planning obligations must meet if they have been determining factors in the granting of planning permission. The regulation states the obligation must be:
 - a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development.
 - c) Fairly and reasonably related in scale and kind to the development.

- II. As from April 2015, Regulation 123 will impose substantial restrictions on a local planning authority's ability to secure developer contributions for mitigating infrastructure impacts through planning obligations. It will only be possible for a maximum of five planning obligations to be pooled to contribute to any one infrastructure item or infrastructure type.
9. Revenue from CIL is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. CIL revenue can be spent by the Council to support any community infrastructure to promote growth, it is not tied to a particular project. Infrastructure is widely defined by Section 216 of the Planning Act, 2008 including:
 - Roads and other transport facilities.
 - Flood defences
 - Schools and other educational facilities
 - Medical facilities
 - Sporting and recreational facilities
 - Open Spaces
 10. The DCLG's Community Infrastructure Levy Guidance, December 2012 states at paragraph 1 that the charging authority's responsibilities, if they decide to levy the CIL, will be:

"To apply the levy revenue it receives to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area."
 11. Some developments will be liable to both pay CIL and enter into S106 agreement. The CIL payment and S106 obligations, as prescribed above will cover different things, and development will not be charged for the same items of infrastructure through obligations and levy. In order to clarify what types of infrastructure will in future no longer fall under S106, a list under Regulation 123 of the CIL Regulations will need to be compiled by Fylde Council. This is a list of infrastructure types and projects that it is intended will be, or may be wholly or partly funded by CIL. It will be kept up to date and take into account any changes in circumstances and / or infrastructure need identified in the future.

REGULATION 123 LIST

12. Following adoption of the Charging Schedule, CIL will become the primary source of infrastructure funding available through development management decisions for the majority of developments.
13. Following the adoption of the CIL Charging Schedule, the Council will then need to formally publish on the website, in accordance with Regulation 123, a list of infrastructure projects that it is intended will be, or may be wholly or partly funded by CIL. Regulation 123 prevents the use of planning obligations to fund infrastructure projects or types of infrastructure that will be wholly or partly funded by CIL. The Regulation 123 list will cover non site specific infrastructure, including transport / highway schemes; cycle schemes; health; education; green infrastructure; and public realm. These infrastructure projects can therefore not be funded through S106 Planning Obligations.

PLANNING OBLIGATIONS / SECTION 106 AGREEMENTS

14. In circumstances where the Council wants to control the impact of a development, but the desired restrictions go beyond the scope of conditions, it is possible to enter into a legal agreement with the applicant and anyone else who has a legal interest in the land, to secure planning obligations under Section 106 of the Town and Country Planning Act. Section 106 Planning Obligations will only be used in the future in accordance with Regulation 122 of the CIL Regulations in the circumstances set out above.
15. Therefore, the types of infrastructure for which planning obligations may typically be sought on sites, will be in accordance with the policies set out in the emerging Single Local Plan for Fylde and will potentially include:
 - Affordable housing
 - Open space
 - Transport / highways (in a limited set of circumstances)
 - Community and sporting facilities
 - Education and school provision
 - Environmental improvements

OFF-SITE SECTION 106 AGREEMENTS

16. Larger scale major developments typically have larger and more concentrated impacts and so may necessitate site specific infrastructure such as schools, community facilities and junction improvements. In securing such planning obligations on larger sites, the Council will apply the statutory tests and avoid duplication with the CIL.
17. There will be the need for access roads to service the individual housing areas / parcels. These access roads will be subject to S106 contributions, as they will be “necessary to make the development acceptable in planning terms”. Development of the Strategic Locations for Development, identified in the emerging Single Local Plan for Fylde, will be co-ordinated via masterplans which will establish access roads necessary to make the development acceptable.
18. The Council strongly encourages pre-application discussions with regard to planning obligations. This provides an opportunity to discuss and agree how relevant policies may be applied to a particular development and provides the opportunity for early resolution of outstanding issues. Furthermore, as is the case with CIL, this will provide the developer with greater certainty earlier on in the development process regarding the costs that they will have to bear.
19. Planning Agreements will normally be drafted by the Council based upon the use of standard agreements, where appropriate, to speed up the preparation of the agreement. Applicants will be required to meet their own and the Council’s costs of preparing planning obligation agreements, whether the agreement is subsequently signed or not, including associated legal costs.
20. Financial contributions will normally be expected to be paid upon commencement of development as defined in Section 56 of the Town and Country Planning Act, 1990. It is recognised that to support development viability it will not always be practical to do this. In these circumstances, the Council will accept payments by arrangement and at specific stages during the development process, for example upon occupation of five, or half the dwellings, or other agreed milestone. Trigger dates for the payment of financial contributions will be included in the S106 Agreement, as will any time periods by which the contribution is to be spent.

CONCLUSION

21. The benefits of adopting CIL is set out above, together with the need for a Charging Schedule and a list of the infrastructure requirements (the Regulation 123 List), that are needed over the lifetime of the emerging Local Plan, to the year 2032.

IMPLICATIONS	
Finance	<p>The Community Infrastructure Levy (CIL) will be a new charge and the income generated will be used to contribute to the costs of providing the infrastructure to support development of the area.</p> <p>If approved, the rates charged will be set out in a Charging Schedule. A proportion of the income generated is required to be given over to Parish and Town Councils. The systems to ensure that this obligation is fulfilled will be put in place as part of the adoption process.</p>
Legal	The Council has taken into account all relevant legislation and guidance in proposing to adopt the provisions and charging requirements of CIL. This shall reduce the possibility of legal challenge.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
Michael Eastham	(01253) 658695	December 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
none		

REPORT



REPORT OF	MEETING	DATE	ITEM
RESOURCES	COUNCIL	30 March 2015	10

REQUEST FOR FUNDED BUDGET INCREASE - FUNDED BY USE OF RETAINED SECTION 106 (PLANNING AGREEMENT) - SUMS

SUMMARY

Great Places Housing Group is a member of the council's housing partnership. They have requested financial support to help with the delivery of an affordable housing scheme in St Anne's. The Section 106 sum held by the Council has been specifically provided in connection with a housing development in Lytham. The scheme has a full planning permission and will provide much needed additional affordable housing in St Anne's.

RECOMMENDATION

Council is recommended:

To approve a fully-funded revenue budget increase in the sum of £300,000 in 2015/16 to meet the payment to Great Places Housing Association to assist the provision of affordable housing at the former Kwik Save site in St Annes. This is to be met from the Section 106 Planning Agreement sum retained by the Council in an equivalent sum (arising from the Hastings point development) which is held specifically for this purpose.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio

Finance and Resources - Councillor Karen Buckley

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

None

REPORT

1. Great Places Housing Group is a member of the council's Registered Social Landlord (RSL) housing partnership and it has requested financial support to deliver additional affordable housing at the former Kwik Save site in St Annes, St David's Road South.
2. Kensington Developments Ltd has developed a market housing scheme at Hastings Point in Lytham. It has been agreed by the council, through the Development Management Committee, that the affordable housing provision attached to that development will be delivered at the former Kwik Save site in St Annes. To facilitate the delivery of the affordable housing in St Annes, the former Kwik Save site has been transferred to Great Places Housing Group. In addition Kensington Developments has made, to the Council, a Section 106 payment of £300,000 to help with the costs of the development.
3. The transfer of the Kwik Save site and the Section 106 payment have, as part of the planning process, been secured by a legal agreement under the Town and Country Planning Act 1990. The council is a signatory to this agreement. This agreement restricts the use of the site to the provision of affordable housing and also restricts the use of the Section 106 monies to the provision of affordable housing at that site.
4. Full planning permission has been granted for the development at the former Kwik Save site of 15 affordable houses. There will be 7 two bedroomed house and 8 three bedroomed houses all of which will be for affordable rent.
5. The total scheme costs for the development are just over £1.6 million. The Section 106 sum of £300,000 represents a cost of £20,000 per unit and is less than 20% of the total scheme costs
6. The accepted position of the Council in considering Section 106 requests is that the subsidy required will be no more than 50% of the scheme costs. In this case the subsidy required is less than 20% and is acceptable.
7. The amount of £300,000 has been received specifically for the purpose of securing the delivery of affordable housing at the former Kwik Save site and the Council are therefore recommended to approve the request as detailed within this report.

IMPLICATIONS	
Finance	<p>This report provides details of a Section 106 sum of £300,000 currently held by the Council and received in relation to the Hastings Point development specifically to assist the provision of affordable housing at the former Kwik Save site in St Annes.</p> <p>Council are requested to approve a fully-funded revenue budget increase in the sum of £300,000 in 2015/16 to meet the payment to Great Places Housing Association in this amount to assist the provision of affordable housing at the former Kwik Save site in St Annes.</p>
Legal	<p>The development of affordable housing at this site and the provision of £300,000 is secured by a legal agreement under s106 of the Town and Country Planning act 1990.</p>

Community Safety	None from this report
Human Rights and Equalities	None from this report
Sustainability and Environmental Impact	None from this report
Health & Safety and Risk Management	None from this report

LEAD AUTHOR	TEL	DATE	DOC ID
John Cottam	01253 658690	February 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
none		

REPORT

REPORT OF	MEETING	DATE	ITEM
CHAIRMEN OF POLICY DEVELOPMENT SCRUTINY COMMITTEE AND COMMUNITY FOCUS SCRUTINY COMMITTEE	COUNCIL	30 MARCH 2015	11

REVIEW OF SCRUTINY

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

As the work of the Council’s Overview and Scrutiny Committees comes to a formal end, the Council is asked to consider and note the work undertaken by the Policy Development and Community Focus Scrutiny Committees on behalf of the Council.

RECOMMENDATION

1. To receive the report of the Council’s Scrutiny Committees on their work and to thank those members who have served on these committees for their input.
2. To note that the work of current Steering Groups and Task & Finish Groups will be addressed by the appropriate programme committee under the new governance arrangements.

CABINET PORTFOLIO

This item covers all portfolio holders.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The recommendations from Policy Development Scrutiny Committee and Community Focus Scrutiny Committee to Cabinet.

REPORT

1. The Scrutiny Committees in Fylde have worked in combination with officers, local organisations and local people to help to improve services. The resultant recommendations are put before the Council's Cabinet for consideration, to bring about these improvements.
2. The Community Focus Scrutiny Committee is the Council's crime and disorder committee for the purposes of the Police and Justice Act 2006 and scrutinises how public services are provided, including local NHS provision.
3. The Policy Development Scrutiny Committee helps shape future Council policy and reviews current policies, strategies and the Council's budget.
4. Over the past three years, the Policy Development Scrutiny Committee has convened Task and Finish groups to scrutinise the following areas:
 - Swimming pool performance
 - Built Heritage Strategy
 - Car Parking Strategy
 - Economic Development Strategy
 - Lowther Gardens Trust
 - External Contracts and Trading Review
 - Assets Let Below Market Value
5. One example of how, through task and finish group work, scrutiny can impact on improvement, is the assistance in the development of a Built Heritage strategy for the Borough. The Strategy, now adopted, will work in conjunction with the local plan, to conserve and enhance the borough's built environment and heritage assets.
6. In addition to its task and finish group work, the Policy Development Scrutiny Committee provides the Council with oversight, through the regular review of the Council's financial position, and the Council's corporate performance.
7. Finally the Policy Development Scrutiny Committee is the adjudicator for call-in requests, having heard five such requests over the period of three years to determine whether or not the decision should be reconsidered by the decision maker.
8. Over the past three years, the Community Focus Scrutiny Committee has convened Task and Finish groups to scrutinise the following areas:
 - Club Days
 - Arts Service Review
 - Community Projects Fund
 - Witch Wood and Linnet Lane Wood
 - Wind Blown Sand

- Shale Gas
- Fylde Coast Bathing Waters – joint with Blackpool Borough Council
- Supported Events Review
- Blackpool Teaching Hospitals Review

9. Results of the scrutiny include the training and support of Club Day committees to enable them to safely marshal their own events; and regular reports from the Blackpool Teaching Hospitals Trust to ensure good governance and care for residents.
10. In addition to its task and finish group work, the Community Focus Scrutiny Committee provides the Council with oversight, through the regular review of the Council’s Planning Improvement Plan; and of the Council’s vision for the Fylde Coast Strategy.
11. The valuable work that has been undertaken by Task & Finish groups within the scrutiny governance arrangements will be accommodated by the programme committees in the committee system of governance along with responsibilities that have been dealt with through other dedicated steering groups.
12. The Chairmen of the Scrutiny Committees, on behalf of their Committees would like to thank all those who contributed so willingly to the scrutiny process during the period covered in this report. They include in their thanks all the Councillors, Officers, members of the public and representatives of external organisations who have been involved and contributed to the individual reviews listed within this report.

IMPLICATIONS	
Finance	None arising from this report
Legal	None arising from this report
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	TEL	DATE	DOC ID
Tracy Morrison	01253 658521	13 February 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
PDSC & CFSC Agendas and Minutes		www.fylde.gov.uk

Attached documents

None

REPORT

REPORT OF	MEETING	DATE	ITEM
DIRECTOR OF RESOURCES	COUNCIL	30 MARCH 2015	12

NOTING OF URGENT DECISIONS TAKEN 2014/2015

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Under the Council's Constitution there is the ability for urgent decisions to be made. Such decisions are required to be reported to Council for information.

This Report gives formal notification that there have been no decisions made by Cabinet using this ruling during the last 12 months.

RECOMMENDATION

That Council note the report.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Leader of the Council

-

Councillor Susan Fazackerley

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (**Place**)

To Encourage Cohesive Communities (**People**)

To Promote a Thriving Economy (**Prosperity**)

To Meet Expectations of our Customers (**Performance**)

√

SUMMARY OF PREVIOUS DECISIONS

There have been no previous decisions on this matter.

REPORT

1. The Cabinet is able to deal with matters which arise periodically, which are of an urgent nature. The constitutional protocol requires that these matters should be reported to Council at least annually under rule 16 of the Access to Information Procedure rules.
2. During the electoral year, 2014/2015, no decisions have been made in such circumstances.

IMPLICATIONS	
Finance	No direct implications arising from this report.
Legal	No direct implications arising from this report.
Community Safety	No direct implications arising from this report.
Human Rights and Equalities	No direct implications arising from this report.
Sustainability and Environmental Impact	No direct implications arising from this report.
Health & Safety and Risk Management	No direct implications arising from this report.

LEAD AUTHOR	TEL	DATE	DOC ID
Sharon Wadsworth	01253 658546	8 Dec 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Cabinet Minutes	2014/15	www.fylde.gov.uk

Attached documents

1. None

REPORT



REPORT OF	MEETING	DATE	ITEM
DEVELOPMENT SERVICES	COUNCIL	30 MARCH 2015	13

BUDGET 2015/16 CAPITAL SCHEME – CONTRIBUTION TO FRECKLETON MEMORIAL GARDEN COMMUNITY PROJECT

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report provides information about funding arrangements for the Friends of Freckleton Memorial Gardens community project including details of the funding initiatives carried out to date, the funding strategy and responses to questions raised about the financial position of Freckleton Parish Council which is one of the organisations that has provided grant support to the project.

RECOMMENDATION

That the Council consider the information included in the report and determine whether or not to approve the capital contribution of £50,000 to the Friends of Freckleton Memorial Park community group in line with the original budget recommendation.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Leader of the Council - Councillor Susan Fazackerley

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The decision was made at the Budget Council to include a capital contribution of £50,000 for the Friends of Freckleton Memorial Park Group in the 2015/16 budget, fully funded from the Council's Capital Investment Reserve, subject to this further report to clarify and explain issues that had been

raised at the Budget Council meeting on March 3rd 2015.

REPORT

Background

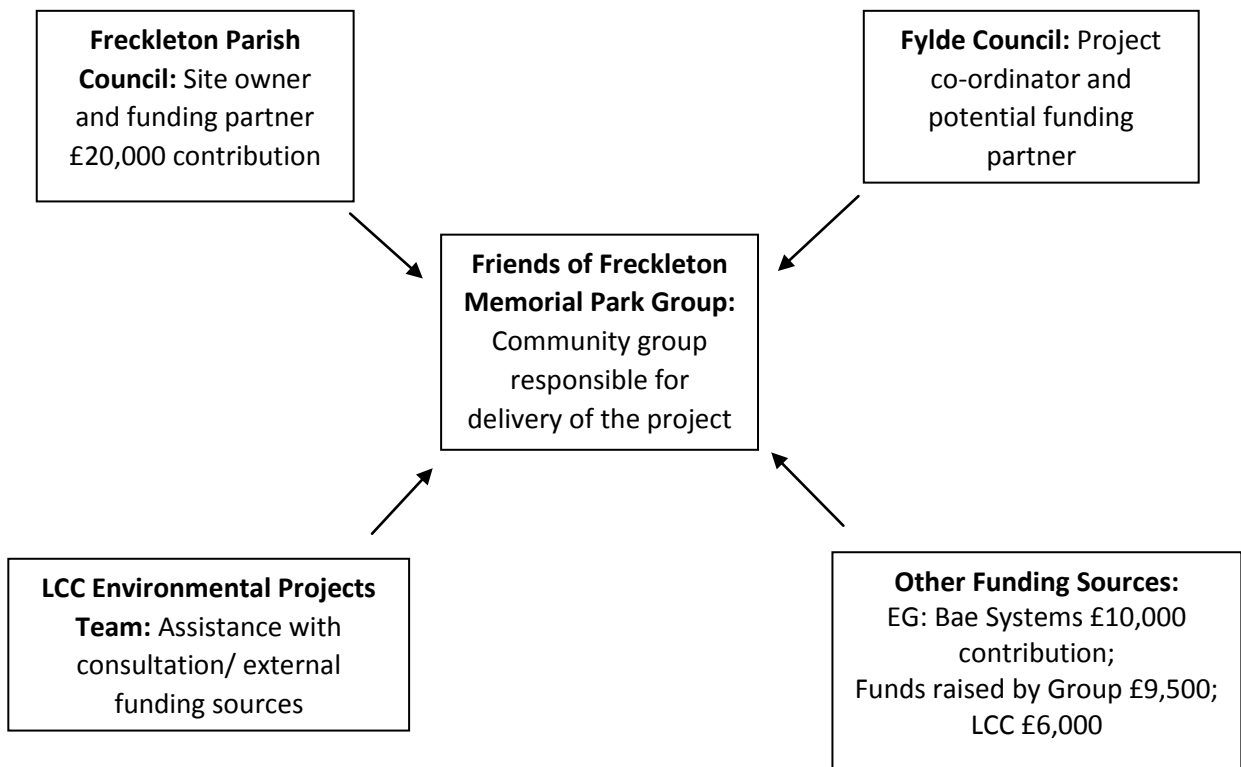
1. In May 2014 Fylde Council received a request to consider making a pledge of financial support to a community group called The Friends of Freckleton Memorial Park (the 'Friends Group'). The Friends Group was established in January 2012 by two mothers, Lynn and Nicky, and has five members and four volunteers determined to create a lasting memorial to those who died in the 1944 Freckleton Air Disaster and in particular the 38 children killed in that event. Their objective is to create a fully inclusive play area and surrounding gardens for the community and visitors to enjoy within the current Freckleton Memorial Park. Appendix 1 includes the constitution for the Friends Group.
2. The request to provide a pledge of financial support to the Friends Group came from Freckleton Parish Council which had also made a contribution to the scheme. The Friends Group has submitted confirmation that they were actively seeking funding support from Fylde Council as well as other organisations and that they were aware of the request made on their behalf by the Parish Council and fully supported that request, their supporting letter is included in Appendix 2.
3. The process for considering capital spend at Fylde has been established for several years and is part of the wider budget setting process. Capital bids are considered annually against the following criteria:
 - i) Service criteria
 - Meets the Council's priorities
 - Meets the needs of the Asset Management Plan
 - ii) Statutory criteria
 - Meets government initiative
 - Meets statutory obligation
 - iii) Financial criteria
 - Produces a revenue saving or improves value for money
 - Is funded/part funded from external resources
 - iv) Need criteria
 - Assessment of public priority
 - Assessment of political priority
 - Assessment of the project brief including consultation and potential risks
 - v) Partnership criteria
 - Is fully supported by appropriate partners/stakeholders
 - Involvement of partners in proposed scheme
4. The capital bid request for the Friends of Freckleton Memorial Park, received in May 2014, was proposed on the basis that a sum of £30,000 had already been secured by the Friends Group and that support from Fylde Council would provide leverage to secure the remainder of the funding required to deliver the scheme, the total cost of which is estimated at around £160,000 to £180,000. The Friends Group have subsequently secured additional funding through grants and fundraising and have approximately £45,500 secured as of March 2015 with a strategy in place for further funding, full details of the funding to date and the strategy is included in Appendix 3.
5. Cabinet's proposal within the agenda papers at Budget Council on 3rd March was to contribute £50,000 to the Friends of Freckleton Memorial Park group, the funding would not go to or be managed by Freckleton Parish Council. When the scheme design and funding package is completed Fylde Council would act as accountable body and administer, procure and deliver the scheme on behalf of the friends group through the Parks Development Team.

Concerns about the Capital Bid

6. At the Budget Council meeting on March 3rd 2015 a number of concerns were raised regarding the recommendation to contribute £50,000 to the Friends Group, the concerns fall into two distinct categories:
 - a. Concern was expressed about the financial position of Freckleton Parish Council which had made the request to Fylde Council for a contribution on behalf of the Friends Group. The concern expressed was that the contribution made by Freckleton Parish Council to the Friends Group should be greater because the Parish Council has sufficient funds available to contribute a larger sum of money to the scheme, thereby reducing or removing the need for a contribution from Fylde Council; and
 - b. Concern was expressed that Fylde Council is proposing to contribute £50,000 to the Friends of Freckleton Memorial Park before the Friends Group have exhausted all other possible sources of funding which is inconsistent with similar schemes that have been developed in the Borough by other community groups.
7. In order to address these concerns meetings have been held with Freckleton Parish Council and the Friends Group to obtain information in order to clarify the issues raised. The questions included in Appendix 4 to this report were asked at the meetings.

The Freckleton Memorial Park Scheme

8. Whilst the request for a financial pledge towards the scheme came from Freckleton Parish Council, it was submitted on behalf of the Friends group who are co-ordinating work on the project. The relationships and parties involved are as set out in the diagram below:



Freckleton Parish Council Finances

9. Freckleton Parish Council have established a “Community Development Fund” which was set up to maintain Parish Council owned property. The Parish Council have confirmed that the fund value was £98,218 as at 31st March 2014 and it is from this fund that a contribution of £20,000 has been made to the Friends Group for the development of the Memorial Park, a site which the Parish council owns. Further commitments from this fund to other projects in the Parish Council’s ownership total £19,000.
10. Consistent with the arrangements at many other Town and Parish Councils, revenue funding is committed in advance and utilised to maintain existing Council assets and services before donations are made to external organisations to fund projects. The Parish Council feel that given their financial position in terms of availability of revenue or capital and other asset maintenance requirements that a £20,000 donation to the Friends Group is reasonable and proportionate.

The Robert Rawstone Trust

11. Freckleton Parish Council manages a fund called the Robert Rawstone Trust, the Parish Councillors are trustees of the Trust which is a registered charity. The capital held in this trust is invested and only the income from the capital can be distributed to pre-defined Institutions within the village. The remaining balance of the Robert Rawstone Trust capital fund stood at £579,000 on September 30th 2014.
12. The original sum passed over to the Trustees of the fund in 1975 was £91,176. In addition, the proceeds of a property (held by executors until the tenant passed away) was later passed to the Trustees, this figure was not available but the property was valued at £9,000 in 1975. Since 1975 the original sum invested in the fund has been managed by a private stockbroker instructed to adopt a moderate risk investment strategy which has seen the capital increase to the current value of £579,000. The Parish Council confirmed that there has not been any further donations added to the Trust Fund.
13. The Parish Council was asked whether the £579,000 capital from the Trust can be accessed to make a further contribution or fully fund the Friends Group Memorial Park project. The Parish Council would have to seek legal advice as well as approval from the Charity Commission to establish whether this is possible however, this would not be the best means of fulfilling the terms of the Will and is not something that the Trustees have done before.
14. The Robert Rawstone Trust Fund is a charitable trust (registration number 508396), and the sole trustee is Freckleton Parish Council. The governing document of the trust is the Will of Robert Rawstone. The purpose of the trust is to provide money for “recreational and religious purposes” within the parish of Freckleton. The Will provides express power to apply income from the fund for the purposes of the Trust. However, there is no express power to apply the capital sum of the fund, in fact the Will requires the capital to be ‘invested’ so that it forms the permanent endowment of the charity. The intention of Robert Rawstone was to leave a sum of money available for ‘religious and recreational’ purposes in perpetuity generated from the capital sum.
15. The permanent endowment of the charity can only be alienated if the Trustees are “satisfied that the purposes of the charity could be carried out more effectively if some or all of the charity’s permanent endowment is used as well as its income, rather than income on its own”. Further, the Charity Commission must be notified of the resolution and must concur with it.

16. The Parish Council was asked whether it is possible to vary the Trust to release a capital sum. However, it would be unlikely the charity, which has received income in the range £17,000 - £20,000 for each of the last five years, would be able to more effectively carry out its purpose by disposing of its capital. In summary, the parish council is currently not permitted to spend the capital sum and any variation to the Trust would require necessary approvals and deter from the most effective long term use of the Trust as prescribed in the Will.
17. The annual income from the Trust fund has several continuing commitments in the village including; The Rawstorne Sports Centre; an all-weather surface area; the bowling pavilion and green; scout & cubs building, the guide and brownies building; storeroom for the Council's grounds maintenance machinery; the Cenotaph: Tom Croft car park: and the refurbishment and replacement of Council owned vehicles. In many cases the same organisations receive a contribution each year sustaining the ongoing operation, the grants are not allocated for capital projects.
18. It was confirmed that the construction of the Rawstorne Sports Centre was funded at a cost of £32,113 from the Robert Rawstorne Trust revenue account between December 1981 and April 1983. The Rawstorne Trust capital was not used to fund the sports centre and has never been accessed to fund a capital project. The interest from the fund is used to support the ongoing maintenance and replacement of existing assets with the last five years grant allocations included in Table 1:

Table 1: The Rawstorne Trust Fund Grant Allocations 2010-2014

Applicant	2010	2011	2012	2013	2014
Methodist Church	£1,500	£1,200	£1,200	£1,200	£1,200
Holy Trinity	£1,500	£1,200	£1,200	£1,200	£1,200
Holy Family	£1,500	£1,200	£1,200	£1,200	£1,200
Village Hall	£1,500	£1,200	£1,200	£1,200	£2,000
Choral Society	£100	£100	£100	£100	£200
Women's Institute	£100	£100	£100	£100	£100
Brass Band	£2,000	£2,000	£2,000	£2,000	£2,000
Rawstorne Centre	£1,000	£1,500	£1,500	£1,125	£2,500
Cricket Club	£1,500	£1,500	£1,500	£1,500	£1,500
Club Day Committee	£1,500	£1,000	£1,000	£1,000	£1,000
Brownies & Guides	£300	£300	£300	£300	£300
Scouts	£300	£300	£300	£300	£0
Bowling Club	£1,500	£1,500	£1,500	£2,150	£1,500
Old Peoples Welfare	£800	£800	£1,000	£1,200	£1,000
Younger Years Committee	£800	£800	£1,000	£1,000	£500
Warton Typhoons			£1,500	£750	£1,500
Freckleton FC	£1,500	£1,250		£750	£1,000
Freckleton In Bloom		£500		£250	£500
Holy Family Playgroup	£100	£100			
Lower Lane Community Group	£400	£350	£350		
Methodist Parents & Toddlers	£100				
J. Chaune - Scout Jamboree		£250			
Total	£18,000	£17,150	£16,950	£17,325	£19,200

The Freckleton Charitable Trust Ltd

19. There is a second trust called The Freckleton Charitable Trust Ltd that was set up to manage the donations from the Air disaster. This Trust is administered by a community group, not the Parish Council. The current value of the Trust and any expenditure of the capital or the interest from the Trust is not controlled by the Parish Council and is therefore not part of the Parish Council's financial capability.
20. The Treasurer of the Trust was contacted and confirmed that the Trust is a private arrangement governed separately to the Parish Council with the only link being that three of the twelve members of the Trust are co-opted from the Parish Council. Investment and expenditure decisions about the Trust are separate from the Parish Council. The Trust was started in 1948 with two private donations that totalled £6,500 and there has been no further donations since the original amount. The fund has been managed by a private stockbroker and today has a value of approximately £100,000.
21. The charitable objects of the fund are "to promote the benefit of the inhabitants of Freckleton by the advancement of education and the provision of facilities in the interests of social welfare for recreation and other leisure time occupation with the object of improving the conditions of life for the said inhabitants of Freckleton", and "to promote any charitable purpose for the benefit of the inhabitants of Freckleton by offering grants and donations to such charitable organisations as the trustees from time to time decide". Spending from the fund has averaged approximately £3,250 per annum over the last 5 years whilst income over the same period has averaged approximately £4,800 per annum. To date there has not been a request from the Friends of Freckleton Memorial Park for a contribution from this fund. The Friend's Group's funding strategy for the park will identify this Trust as one of the potential sources of grant for the project.

The Friends of Freckleton Memorial Park

22. The Friends of Freckleton Memorial Park, was established in January 2012 to lead on a regeneration project to mark the memory of the 61 people, including 38 children, who died in the [Freckleton Air Disaster](#) in August 1944 when a USAF Liberator Bomber crashed on the village school. The Friends Group approached the owner of the site, Freckleton Parish Council who are responsible for the management and maintenance of Memorial Park, to gain support for the project. The Friends Group requested technical support from Fylde Council, to provide landscape design and project management expertise. The project is also supported by the Environment and Community Projects Team at Lancashire County Council.
23. A meeting with Lyn Braithwaite and Nicole Partridge from the Friends Group provided confirmation on a number of issues that had been raised including:
 - a. The Friends Group supported and they were aware of the request made by Freckleton Parish Council to Fylde Council for a contribution to the project in May 2014 (Appendix 2)
 - b. The Friends Group were aware that the Parish Council had agreed to make a contribution to the project
 - c. The Friends Group were actively seeking contributions and raising funds whilst Fylde Council's Parks Development Team worked on the public consultation exercises and preparation of the Master Plan with them (Appendix 3)

- d. In common with all community groups the Friends Group began seeking opportunities for grants and to fund raise as soon as the project was conceived
 - e. Completion of the Master Plan and cost estimation was not a requirement to bid for funding from the Parish Council or BAE Systems
 - f. The Friends Group have a funding strategy in place that will be driven by the completed Master Plan (Appendix 3)
 - g. Bids will be made to the Rawstorne Trust and the Freckleton Charitable Trust Ltd as part of the funding strategy
 - h. Extensive consultation has taken place with several events held (schools, community, online) to gather different concerns, ideas, suggestions and objections with all the consultation feedback used to inform the design brief
 - i. The final design accommodated most requests with compromises that ensured the project will have something for everyone with children and families as the primary focus
 - j. The Master Plan was approved at a meeting of Freckleton Parish Council after petitions had been held that showed 27 residents against the project and 350 in favour
 - k. The spending strategy is to secure all the funding before commissioning a single contract to complete the whole project at once, the current focus is on funding which drove the requests for contributions from organisations that have a stake in the local community and a memorial to the disaster
 - l. Commissioning a single contract to complete the whole project reduces time, cost and risk and the Friends Group will continue to get advice and support from the Parks Development Team
 - m. The Friends Group are already considering the ongoing maintenance funding strategy with a commitment to organise a series of annual events that have become part of the village calendar
24. The Friends Group were concerned that the project had led to some challenges at the Budget Council meeting and are prepared to answer any questions that elected members may have about the project and the approach to funding. The Friends Group are a community group not a Parish Council sub group and separate from the governance of the Parish Council. The Friends Group was established by dedicated mothers that wanted the play facilities for their children to be fit for purpose and safe in keeping with what should be provided on a park that is a memorial to 61 people including 38 children.
25. The Friends Group confirmed that the project had taken longer than planned to reach the design and Master Plan stage of the process because the consultation had been a success and raised a number of alternative options, additional requests and some concerns, all of which had to be addressed and consulted upon further. The additional consultation was carried out to ensure that as many people in the community as possible could support and will get benefit from the project. It was recognised that it is a big project driven by five people determined to be as inclusive and open as possible.

Parks Development Service – 10 Stage Process for Parks Improvements

26. In April 2013, the ‘Parks Development’ function of Fylde Councils Parks and Greenspace Team became available to all town and parish councils throughout the Borough. The parks Development Team have a proven track record in delivering park refurbishment schemes under the ‘community parks improvement programme’ which it successfully operates.

27. When the team was approached by the Friends of Freckleton Memorial Park for assistance in 2013, it was agreed by all parties to put Freckleton Memorial Park through the ten stage process of the community parks improvement programme. The ten stages are as follows:
1. Set up a supporters group (Friends group with a constitution)
 2. Apply to LCC for support officer from the Environmental Projects Team to assist with:
 - Comprehensive consultation exercises
 - External funding grant assistance
 3. Initial consultation with group, local residents and users to produce a design brief based on community need
 4. Produce 3 concept drawings based on the design brief
 5. Consult / agree / produce final Masterplan
 6. Cost the project up in sections (Bill of Quantities and specifications)
 7. Prepare funding strategy
 8. Tender and evaluation (with community)
 9. Project Management
 10. Open Event / Future use /Maintenance
28. The project is now at stage 7. A scheme has been agreed and priced (£160,000 to £180,000) and a funding strategy prepared. The group have secured around £45,500 as at March 2015 through external grants and fund raising events (Appendix 3).
29. The main elements of the agreed Masterplan are shown in the drawing included in Appendix 5.
30. Delivery of the project would be through the Parks Development process with all procurement and project management undertaken by officers from the Parks & Greenspace Team. If members are minded to approve the bid they may wish to consider the application of conditions. The following suggestions are examples of conditions and not an exhaustive list:
- a. The project being managed and the money spent through Fylde Council's parks development processes
 - b. Confirmation that funding is in place to fund the whole project (above) before going out to tender/reporting to committee (this ensures that the funding raised to date can be used as match funding for the remainder, instead of simply spending what is in place to date and developing the project piecemeal)
 - c. That a time limit is placed on securing the total project funding and that if the project funding has not been secured within the time limit the contribution is rescinded and returned to the capital investment reserve.
 - d. That Fylde Borough Council receive full publicity for its contribution in any publicity/communication released, including onsite notice boards
31. The Constitution requires a report being presented to the relevant service committee after May 2015 to satisfy financial regulations and draw down any capital funding for a project. The report details what was being delivered and provides members with the opportunity to approve the detail of the scheme prior to the release of funding.

IMPLICATIONS	
Finance	<p>Should Members resolve to leave the £50,000 within the Council's approved capital programme for the Freckleton Memorial Park scheme then in line with the draft Constitution a further report will be required in due course to be approved by the Tourism and Leisure Committee drawing down the funding and setting out full details of the scheme to be delivered, including the full cost details, revenue implications, procurement path and method of financing.</p> <p>Should Members resolve not to approve the £50,000 contribution to the Freckleton scheme then this funding will be returned back into the Capital Investment Reserve.</p> <p>Any application of s.106 monies towards the project would need to be agreed by Cabinet/PH or service committee after May.</p>
Legal	None arising directly from the report.
Community Safety	Provision of modern recreational facilities is important in terms of providing diversionary activities
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
Allan Oldfield	01253 658500	3 rd March 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

- Appendix 1: The Friends Group Constitution
- Appendix 2: Original Funding Request Letter from Freckleton Parish Council and The Friends Group Letter of Confirmation
- Appendix 3: The Project Outline and Funding Strategy
- Appendix 4: The Questions & Answers (Parish & Friends)
- Appendix 5: Final scheme Masterplan

Friends of Freckleton Memorial Park

CONSTITUTION

1. NAME

The group shall be called Friends of Freckleton Memorial Park.

2. AIMS & OBJECTIVES

- 2.1 The objectives of the Group shall be to promote, refurbish and improve the quality, inclusiveness, innovation & value of The Memorial Park, Freckleton, Nr Preston, Lancashire.
- 2.2 The aims and objectives of the group should be consistent with the furthering of equal opportunities.

3. MEMBERSHIP

- 3.1 The group shall consist of officers and the members.
- 3.2 Membership of the group shall be open and not unreasonably restricted on the grounds of sex, political, religious or other opinions, to any person in the area who is prepared to accept and support the objectives of the Group.
- 3.3 In accepting membership, a person agrees to abide by the constitution of the Group.

4. OFFICERS

- 4.1 The officers of the Group shall be Chair, Vice Chair, Secretary and Treasurer.
- 4.2 These officers shall hold office for a calendar year, being elected annually at the Group Annual General Meeting. All officers shall retire but shall be eligible for re-appointment.

5. FINANCE

- 5.1 All monies raised by, or on behalf of the Group, shall be applied to further the objects of the Group and for no other purpose.
- 5.2 The Group Treasurer is responsible for the finances of the community group.
- 5.3 The financial year of the Group shall end on 31st December.
- 5.4 Proper accounts shall be kept of all sums of money received and paid out by the Group.
- 5.5 A statement of accounts up to and including this date shall be presented to the Annual General Meeting of the Group.
- 5.6 The funds of the Group shall be lodged at a bank or building society in account in the name of the group, and all cheques, drafts etc drawn on these accounts shall be signed by all of the following officers; Chair, Vice Chair, Treasurer & Secretary.

6. ANNUAL GENERAL MEETING AND OTHER MEETINGS

- 6.1 The Annual General Meeting (AGM) of the Group shall be held every year during the month of January and the statement of accounts up to the end of the financial year shall be presented.
- 6.2 Not less than 28 days notice of the date of the AGM shall be given to all members and the Secretary.
- 6.3 The AGM shall elect such officers of the group as it may determine from time to time.
- 6.4 The Secretary shall receive nominations for officers not less than 7 days prior to the AGM.
- 6.5 The dates of the general meetings of the Group shall be determined at the previous meeting. In addition the chairperson may call a meeting when he/she considers it necessary, desirable, or upon the written request of at least three members of the Group.
- 6.6 All members shall be entitled to vote at general meetings and shall have equal voting rights.
- 6.7 The quorum for general meetings shall be 25% of members present and eligible to vote.

7. VOTING PROCEDURES

- 7.1 Each member shall be entitled to one vote.
- 7.2 A motion shall be carried by a simple majority of those present and voting, except when the motion is a constitutional amendment, which shall require two-thirds majority.
- 7.3 The Chairperson shall have a casting vote in addition to a deliberate vote.

8 DISSOLUTION PROCEDURES

- 8.1 In the event of the Group ceasing to exist, all finances will be transferred to whomever will take over the renovation and fundraising for the Memorial Park restoration and development. No member shall obtain any asset from the Group.
- 8.2 The Group may be wound up on a resolution of the members, passed by two-thirds majority at a special meeting convened for that purpose upon the request of 25% members. At least twenty-eight days notice of the meeting shall be sent to all members of the Group.

9 CONSTITUTION

- 9.1 The constitution shall be renewed on an annual basis.
- 9.2 Amendments to the constitution shall be agreed only at AGM's and any alteration to the constitution shall require two-thirds majority of members present and voting.

10 PRESS RELEASES.

No photographs or articles are to be used in any publication for any purposes other than those agreed to by all of the committee members.

11 LANDFILL COMMUNITIES FUND.

- 11.1 The work of Friends of Freckleton Memorial Park shall not be for the benefit of landfill site operators who may contribute Friends of Freckleton Memorial Park and claim credit under the Landfill Communities Fund. Nor shall it be for the benefit of contributing 3rd parties as defined in the landfill tax regulations.
- 11.2 In the event of the organisation disbanding, any remaining Landfill Communities Fund money shall be transferred to any enrolled Environmental Body, not to an organisation of similar objects and status
- 11.3 Where Landfill communities Funds are to be discussed and decisions made, in the event of a quorate meeting or any meeting where local authority or landfill operator representatives could have a control over the Environmental Body through voting, the number of independent votes shall always outnumber those of the authority or landfill operator representatives.

In the event of a tied vote and the Chair being a local authority or landfill operator representative, then the casting vote shall transfer to an independent member.

On behalf of the members of Friends of Freckleton Memorial Park, we have agreed on and adopted the above constitution.

ADOPTED BY: Friends of Freckleton Memorial Park

Name: Mrs Lyn Braithwaite
Committee Role: Chairwoman / Treasurer
Signature:
Date:

Name: Mrs Nicole Partridge
Committee Role: Vice-Chairwoman
Signature:
Date:

Name: Mrs Lisa Stubbs
Committee Role: Member
Signature:
Date:

Name: Mrs Joanne Green-Holden
Committee Role: Member
Signature:
Date:

Name: Mrs Jackie Finch
Committee Role: Member
Signature:
Date:

Name: Mr William Astley
Committee Role: Volunteer
Signature:
Date:

Name: Mrs Julie Astley
Committee Role: Secretary / Volunteer
Signature:
Date:

Name: Miss Tamara Astley
Committee Role: Volunteer
Signature:
Date:

FRECKLETON PARISH COUNCIL

Mr. K M Armistead, Clerk to the Council
3, Lythall Ave, Lytham, Lancashire, FY8 4HF
Tel: 01253 731258
Email: clerk@freckletonparishcouncil.org.uk

23rd May 2014

Dear Mr. Oldfield.

The regeneration of the Memorial park, in Freckleton.

The Friends of Freckleton Memorial Park, which was set up in January 2012, support the regeneration of the park and are keen to improve both the site's appearance and crucially the facilities and opportunities that it offers the local community. With this in mind the group approached the site owners, Freckleton Parish Council, and Fylde Borough Council, as its current management and maintenance officers, for assistance. Both Councils are supportive of the idea in principal. The process will be supported with development time enlisted from the environment and Community projects team, at Lancashire County Council and design support from Mark Wilde's team at Fylde Borough Council. This will result in a coherent and detailed Masterplan for the site which can be used as a basis for a phase approached to its regeneration.

Freckleton Memorial park is dedicated to the Memory of the 61 people, including 38 children, who died in August 1944 when a USAF Liberator bomber crashed on the Village school. The disaster remains one of the worst air crashes for civilian casualties in the UK. The park is situated in Freckleton east ward of Fylde Borough.

The design brief is concerned with the regeneration of the park to provide a community facility that is accessible and suitable for use by all ages and abilities.

Freckleton Parish Council has pledged financial support for this project and would ask if Fylde Borough Council would also pledge financial support.

Yours sincerely



Clerk to the Council

Mr. A Oldfield,
Chief Executive,
Fylde Borough Council,
Town Hall,
St Annes.



C /O Ms Lyn Braithwaite
Chairwoman
31 Bunker Street
Freckleton
Nr Preston
Lancashire
PR4 1HA

Tel: 07733 080 790

Email: lynbraithwaite@live.co.uk

Website: www.facebook.com/pages/Friends-of-Freckleton-memorial-park

Thursday, 19 March 2015

Dear Mr. Oldfield.

The regeneration of the Memorial park, in Freckleton.

We, The Friends of Freckleton Memorial Park, which was set up in 2012 by a group of Mum's with ideas and plans to make the Freckleton Memorial Park a safer and more fun space for the children and families of Freckleton and the surrounding area, fully support the Freckleton Parish Council in its forward thinking approach in looking to the Fylde Borough Council for any assistance you may be able to give us to help in the progression and ultimately completion of the New Play area.

We are already working closely with environment and Community projects teams at Lancashire County Council and we are very lucky to have design support from Mark Wilde & his team at Fylde Borough Council, which has been invaluable during this process. This has resulted in Our master plan being created and agreed with all parties involved (Park Group Members and volunteers, Freckleton Parish Council and the local Residents of Freckleton itself.)

With Freckleton Memorial park being dedicated to the memory of the 61 people, including 38 children, who died in August 1944 when a USAF Liberator bomber crashed on the Village school, and this being the anniversary year of the disaster, the memory of it is right in the forefront of the minds of the villagers and anyone who was involved, directly or indirectly but now live out of the area, making this project one that is close to hearts of many. It means a lot to the group that Freckleton Parish council had the forethought to make this request as they know how busy the group has been fundraising and raising awareness to the need for the project to be a success for Freckleton, but also to the Fylde as a whole, improvement can only be seen as a positive in our eyes.

Freckleton Parish Council has pledged financial support for this project and the Friends of Freckleton Memorial Park would live to kindly ask if it would be possible for Fylde Borough Council to be able to help in any way it can.

Yours sincerely

Lyn Braithwaite & Nicole Partridge
Chairwoman & Vice-Chairwoman
Friends of Freckleton Memorial Park

Appendix 3

Freckleton Memorial Gardens Project Cost Breakdown & Funding Strategy

Project Cost Breakdown:

Junior Play:

- Timber Multi-play Unit (inc slide, rope-bridge, Climbing wall and lower panels for inclusive play) e.g. forest range Wicksteed
- And/Or Tree house climber (8-16 age)
- Roundabout (tall ones)
- Basket swing
- See saw/rocker
- Play Boulders – wooden paths
- Surfacing (580m²)

Estimate £75,000

Toddler play

- Swing set (inc baby cradle seat)
- Multiplay unit inc. slide or without an embankment slide (small)
- Inclusive roundabout
- Net climbing structure (small)
- Wooden play – Upended stumps etc.
- Revement tunnels
- Surfacing (Wetpour) 750m²

Estimate £55,000

MUGA

Estimate £25,000

Zip Wire

Estimate £15,000

Natural play / Sensory planting / Earth mounding and Drainage

Estimate £10,000

Estimated Total Cost of the Scheme: £180,000

The Funding Strategy – March 2015

Source	Amount	Notes:
Freckleton Parish Council	£20,000	Has been set aside by the Parish Council from their Community Development Fund
BAE	£10,000	In bank account
Freckleton Friends Group (events)	£9,500	Raised by friends various activities. In bank account.
LCC	£6,000	Funds being transferred to Friends account
Sub Total funds in place	£45,500	Funds in Place
Fylde Council	£50,000	Proposed
Lancashire Environment Fund	£30,000	Proposed: Application: Stage 1 : expression of interest by 1st May Invited to stage 2 application by July with outcome in December 2015
Veolia	£25,000	Proposed: Application: expression of interest anytime, Full application by 31 st May 2015 decision Sept 2015
Big Lottery Fund for all	£10,000	Would be a discrete project app. for element not more than £25k
Section 106 monies:		Total Section 106 funds (£14,875)
11 Lytham Rd, 08/0124	£3,400	
115 Kirkham Road, Freckleton, 09/0034/	£1,600	
115 Kirkham Road, Freckleton, 09/0034/	£400	
Goe Lane, Freckleton 11/0657	£8,625	
11 Lytham Road, Freckleton, 08/0124/	£850	
Potential Funding	£175,375	

*bids will be submitted to the Freckleton Charitable Trust Ltd and the Rawstorne Trust during the next 12 months

Appendix 4 – Questions and Responses

Trust Name:	Robert Rawstorne Trust Fund
Link to Charity Commission website:	http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=508396&SubsidiaryNumber=0
Charity Number:	508396
Activities of Trust (per Charity commission Website):	To provide financial assistance to organisations and individuals in Freckleton.
Trustees:	Freckleton Parish Council
Governing Document:	The Will of Robert Rawstorne provided at Liverpool PPR on May 6 th 1975
Original Value of Trust:	£91,176 plus approximately £9,000 from property
Current Value of Trust:	£579,000
Has the original capital donated to the Trust been used and can this be repeated?	None of the original capital donated has been used to finance capital schemes and to do so would require legal advice, Charity Commission approval and would be against the intent within the Will to secure in perpetuity support to Freckleton schemes.
What restrictions are placed on the grants from the Trust?	The grant must be for a 'religious or recreational' purpose.
Has a further donation circa £170,000 been made to the Trust at the 60th or 70th anniversary of the disaster? And if so, is there a purpose for its use?	No further donations have been made since the original capital sum. The fund has been managed by stockbrokers since 1975 and the capital growth to date is down to the moderate risk investment strategy the stockbrokers have worked to. Shares that were purchased as part of the investment fund realised a significant gain in 2013 that increased the capital fund by circa £170,000. The purpose of all the fund is to meet the requirement in the Will and generate an investment return in perpetuity.
To whom and in what amounts can grants be given?	Table 1 in the report provides details of the grants paid out over the last five years.
Can income accumulate over several years in order to support a large project, and can repeat bids be made over a number of years to support the same project?	It is possible for part or all of the investment to be set aside year on year to accumulate a fund for a larger project. However, table 1 in the report demonstrates that the fund does receive repeat requests each year and makes repeat contributions because it is being used to maintain a number of assets in Freckleton, several organisations rely on the fund to stay afloat and very little, if any, of the fund is used on capital projects.

Appendix 4 – Questions and Responses

Trust Name:	Freckleton Charitable Trust Ltd
Link to Charity Commission website:	http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=1089667&SubsidiaryNumber=0
Charity Number:	1089667
Activities of Trust (per Charity commission Website):	Invests in the stock market and the dividend is paid out in the form of grants to local community groups.
Trustees:	12 Trustees listed on the website, Bernard Whittle is the Secretary and Treasurer of the Trust. The Trust is operated under separate governance arrangements to the
Governing Document:	Memorandum and articles of association incorporated in 1947 as amended by special resolution dated March 30 th 1950, July 12 th 1951, May 31 st 2000, November 26 th 2001. Certificate of incorporation on change of name November 23 rd 2001.
Original Value of Trust:	£6,500
Current Value of Trust:	£100,000 plus
If some of the original donation to the Trust has been used, can this be repeated and some of the capital used again?	The Trust has been invested by stockbrokers that has led to the increase in the fund capital which has been accessed in the past to fund work on the village hall. It is possible to access the capital.
What restrictions are placed on the grants from the Trust?	The grants have to be used for projects or individuals in Freckleton with a focus on young people.
Have any further donations been made to the capital fund?	None have been made.
To whom and in what amounts can grants be given?	Grants favour schemes for young people and payments have been made to the brass band, scout group, the school and cricket club. Approximately £4000 per annum is available from the interest on the investment which is made available for grant requests.
Can income accumulate over several years to support a large project, and can repeat bids be made over a number of years to support the same project?	Funds have not been built up year on year for a particular scheme but there is no legal reason why this cannot be done, the spending from the fund has averaged approximately £3,250 per annum over the last 5 years although in some years there has not been sufficient bids. Repeat bids are possible.
A conversation was held with the Treasurer rather than a meeting being arranged because the Trust is not administered or controlled by the Parish Council.	

The Friends of Freckleton Memorial Gardens – Community Group

Was the Friends Group aware of the Parish Council request for support made to Fylde Council?

The Friends Group were aware of the request and supported it, confirmation has been provided in the letter included as Appendix 2 to the report.

Can a copy of the Friends Group constitution be provided?

The constitution for the Community Group is included as Appendix 1 to the report.

Has the Friends Group carried out public consultation?

The Friends Group held a series of consultation events, adjustments were made to the project in response to the consultation and all the feedback was included in the design brief.

What grant support has been applied for to date by the Friends Group?

The grant funding to date is included in Appendix 3 to the report with approximately £45,500 raised to date from grants and fund raising initiatives that have been in place since the project was first conceived.

Has a funding strategy been agreed for the project?

The funding strategy is in place, it has been agreed and included in Appendix 3 to the report.

What grants are available to the Friends Group and what level of funding do they expect to achieve?

The grants that are available have been included in the funding strategy and will include the Rawstorne Trust and Freckleton Charitable Trust. The strategy includes ongoing maintenance funded through annual community events and applications to the two Trusts which help to finance a number of assets in Freckleton.

What is the proposed strategy for delivering the project?

The strategy is to raise all the funding before commissioning the project as one piece of work delivered in a single build; a phased approach has been ruled out because of the additional cost and disruption that would be experienced.

